

BEFORE THE DEPARTMENT OF AGRICULTURE
OF THE STATE OF MONTANA

In the matter of the amendment of ARM) NOTICE OF AMENDMENT
4.5.313 and 4.5.315 relating to noxious)
weed seed free forage)

TO: All Concerned Persons

1. On April 6, 2006, the Montana Department of Agriculture published MAR Notice No. 4-14-158 relating to noxious weed seed free forage at page 812 of the 2006 Montana Administrative Register, Issue Number 7.

2. The agency has amended ARM 4.5.313 and 4.5.315 exactly as proposed.

3. The following comments were received and appear with the Department of Agriculture responses:

COMMENT 1: Seven comments were received opposing the field inspection fee increase. The concerns expressed are that small scale producers using the product for their own use have no means of passing on the cost incurred by the fees, the fee increase reduces the incentive for producing noxious weed seed free forage and may deter producers from future participation, and the fee increase is also viewed as too high and producers are not sure they can recover the increased cost.

RESPONSE 1: The department understands the concerns, however, the ability to certify a field for noxious weed seed free forage products permits the producer to charge a premium price for their products and recover the cost of the inspection fee. While we understand that some small producers certify for their own use, and do not have the ability to pass on the \$1.00/acre increase, because of 80-7-905(7), MCA, the department has a responsibility to move the fee structure and program toward self-sufficiency.

COMMENT 2: Four comments were received in support of the fee increase.

RESPONSE 2: The department concurs.

DEPARTMENT OF AGRICULTURE

/s/ Nancy K. Peterson
Nancy K. Peterson, Director

/s/ Timothy J. Meloy
Timothy J. Meloy, Attorney
Rule Reviewer

Certified to the Secretary of State, May 8, 2006.